

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS35505-SUz-20\* (05/05)**

Short Title: DOT Bid Limits/Highway Maintenance/Per Year.-AB (Public)

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Sponsors: Senator Jenkins.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO MAKE THE INFORMAL BID LIMITS FOR DEPARTMENT OF  
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS PER YEAR  
LIMITS FOR MULTIYEAR CONTRACTS, AS RECOMMENDED BY THE  
JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 136-28.1(a) reads as rewritten:

"(a) All contracts over one million two hundred thousand dollars (\$1,200,000) that the Department of Transportation may let for ~~construction~~ construction, maintenance, operations, or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.109 for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. For those federal aid projects, the Department of Transportation shall use only the contract provisions for differing site conditions, suspensions of work ordered by the engineer, or significant changes in the character of the work developed by the North Carolina Department of Transportation and approved by the Board of Transportation."

**SECTION 2.** G.S. 136-28.1(b) reads as rewritten:

"(b) In those cases in which the amount of work to be let to contract for highway ~~construction, maintenance,~~ construction or repair is one million two hundred thousand dollars (\$1,200,000) or less, and for highway maintenance that is one million two hundred thousand dollars (\$1,200,000) per year or less, at least three informal bids shall be solicited. The term "informal bids" is defined as bids in writing, received pursuant to

1 a written request, without public advertising. All such contracts shall be awarded to the  
2 lowest responsible bidder. The Secretary of Transportation shall keep a record of all  
3 bids submitted, which record shall be subject to public inspection at any time after the  
4 bids are opened."

5 **SECTION 3.** G.S. 136-28.10(a) reads as rewritten:

6 "(a) Notwithstanding the provisions of G.S. 136-28.4(b), for Highway Fund or  
7 Highway Trust Fund construction and repair projects of five hundred thousand dollars  
8 (\$500,000) or less, and maintenance projects of five hundred thousand dollars  
9 (\$500,000) or less per year, the Board of Transportation may, after soliciting at least  
10 three informal bids in writing from Small Business Enterprises, award contracts to the  
11 lowest responsible bidder. The Department of Transportation may identify projects  
12 likely to attract increased participation by Small Business Enterprises, and restrict the  
13 solicitation and award to those bidders. The Board of Transportation may delegate full  
14 authority to award contracts, adopt necessary rules, and administer the provisions of this  
15 section to the Secretary of Transportation."

16 **SECTION 4.** This act is effective when it becomes law.